

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMMANUEL N. LAZARIDIS,

Case No. 5:05-CV-111

Plaintiff,

Hon. Richard Alan Enslen

v.

THE HERALD COMPANY, INC.,
a/k/a THE GRAND RAPIDS
PRESS, ADVANCE INTERNET
NY, L.L.C. and B.V.H., INC.,

Defendants.

/

ORDER

This matter is before the Court on Plaintiff Emanuel N. Lazaridis' Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b). On January 26, 2006, this Court granted Defendants' Motion to Dismiss and dismissed Plaintiff's Complaint without prejudice. Plaintiff moved to alter the Court's Judgment on February 6, 2006. Plaintiff's Motion to Alter Judgment was denied on May 9, 2006. Plaintiff then filed a Notice of Appeal of the Court's dismissal of his Complaint on June 8, 2006.

Pursuant to *First Nat'l Bank of Salem, Ohio v. Hirsch*, 535 F.2d 343, 346 (6th Cir. 1976), the Court has reviewed the instant Motion and is not inclined to grant the relief requested.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b) (Dkt. No. 106) is **DENIED** and the Court certifies to the Sixth Circuit Court of Appeals that remand is unnecessary given that the Court has no intention to grant Rule 60(b) relief.

DATED in Kalamazoo, MI:
July 25, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE